

1 MEREDITH N. LANDY (S.B. #136489)  
PETER T. SNOW (S.B. #222117)  
2 O'MELVENY & MYERS LLP  
2765 Sand Hill Road  
3 Menlo Park, California 94025-7019  
Telephone: (650) 473-2600  
4 Facsimile: (650) 473-2601  
Email: mlandy@omm.com  
5 psnow@omm.com

6 Attorneys for Defendants Rackable Systems, Inc.,  
Thomas K. Barton, Madhu Ranganathan and Todd  
7 R. Ford

8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **OAKLAND DIVISION**

12 IN RE RACKABLE SYSTEMS, INC. ) Case No. C-09-0222-CW  
13 SECURITIES LITIGATION )  
14 \_\_\_\_\_ ) CLASS ACTION  
15 THIS DOCUMENT RELATES TO: )  
16 ALL ACTIONS. ) **STIPULATION AND ORDER**  
17 \_\_\_\_\_ ) **REGARDING SCHEDULING**  
18 ) **MATTERS**  
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1 WHEREAS, on February 3, 2010, Lead Plaintiffs filed the Second Amended Complaint  
2 for Violations of the Federal Securities Laws ("Second Amended Complaint");

3 WHEREAS, on December 28, 2009, the Court entered an order setting the briefing  
4 schedule for Defendants' response to the Second Amended Complaint, which is currently due on  
5 February 24, 2010;

6 WHEREAS, Defendants intend to file a motion to dismiss the Second Amended  
7 Complaint;

8 WHEREAS, the parties have met and conferred regarding modifying the briefing schedule  
9 for Defendants' motion to dismiss;

10 NOW, THEREFORE, the undersigned parties hereby stipulate and agree, and respectfully  
11 request that the Court enter an order, as follows:

12 1. Defendants shall file their motion to dismiss the Second Amended Complaint on  
13 or before April 2, 2010;

14 2. Lead Plaintiffs shall file their opposition to Defendants' motion to dismiss on or  
15 before April 30, 2010;

16 3. Defendants shall file their reply in support of their motion to dismiss on or before  
17 May 14, 2010;

18 4. The hearing on defendants' Motion to Dismiss shall be on June 3, 2010 at 2:00  
19 pm.

20 IT IS SO STIPULATED.

21  
22 O'MELVENY & MYERS LLP

23  
24 Dated: February 23, 2010

25 By: /s/  
Meredith N. Landy

26 Attorneys for Defendants Rackable Systems,  
27 Inc., Thomas K. Barton, Madhu Ranganathan  
28 and Todd R. Ford

GLANCY BINKOW & GOLDBERG LLP

Dated: February 23, 2010

By: \_\_\_\_\_/s/\_\_\_\_\_

Lionel Z. Glancy  
Michael Goldberg

## Attorneys for Lead Plaintiffs

I, Meredith N. Landy, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding Scheduling Matters. In compliance with General Order 45, X.B., I hereby attest that Lionel Z. Glancy has concurred in this filing.

By: \_\_\_\_\_ /s/ \_\_\_\_\_

Meredith N. Landy

## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 2/23/2010

Candice Witt

The Honorable Claudia Wilken  
United States District Judge

MP1:1190198.1